



04-53-08

IAP12 Rec'd PCT/PTO 02 APR 2008

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PTO/SB/21 (01-08)

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**TRANSMITTAL  
FORM**

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Total Number of Pages in This Submission

Application Number	10/565,262
Filing Date	January 18, 2006
First Named Inventor	Ronald P. Lesser
Art Unit	N/A
Examiner Name	Not Yet Assigned
Attorney Docket Number	61612(71699)

**ENCLOSURES (Check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
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<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	Declaration
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	Recordation Cover Sheet
<input checked="" type="checkbox"/> Reply to Missing Parts/Incomplete Application		Assignment
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		Return Receipt Postcard
<b>Remarks</b>		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	EDWARDS ANGELL PALMER & DODGE LLP		
Signature			
Printed name	Steven M. Jensen		
Date	April 2, 2008	Reg. No.	42,693



Docket No.: 61612(71699)  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Ronald P. Lesser et al.

Application No.: 10/565,262

Filed: January 18, 2006

For: SYSTEM AND METHOD FOR TREATING  
NAUSEA AND VOMITING BY VAGUS  
NERVE STIMULATION

Confirmation No.: 9788

Art Unit: N/A

Examiner: Not Yet Assigned

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**

MS Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notification of Missing Requirements – Filing Date  
Granted mailed February 14, 2008, Applicant respectfully submits a Combined  
Declaration and Power of Attorney and Part 2 Copy of Notice.

Please charge our Deposit Account No. 04-1105 in the amount of \$65.00  
covering the fee set forth in 37 CFR 1.16(f). The Director is hereby authorized to  
charge any deficiency in the fees filed, asserted to be filed or which should have been  
filed herewith (or with any paper hereafter filed in this application by this firm) to our

04/04/2008 GFREY1 00000006 041105 10565262  
01 FC:2617 65.00 DA

Deposit Account No. 04-1105, under Order No. 61612(71699). A duplicate copy of this paper is enclosed.

Dated: April 2, 2008

Respectfully submitted,

By 

Steven M. Jensen

Registration No.: 42,693

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UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/565,262	Ronald P. Lesser	6161271699

21874  
EDWARDS ANGELL PALMER & DODGE LLP  
P.O. BOX 55874  
BOSTON, MA 02205

INTERNATIONAL APPLICATION NO.	
PCT/US04/23146	
I.A. FILING DATE	PRIORITY DATE
07/19/2004	07/18/2003

**CONFIRMATION NO. 9788**  
**371 FORMALITIES LETTER**



Date Mailed: 02/14/2008

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371  
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494):

- Indication of Small Entity Status
- Priority Document
- Copy of the International Application filed on 01/18/2006
- Copy of the International Search Report filed on 01/18/2006
- Preliminary Amendments filed on 01/18/2006
- Information Disclosure Statements filed on 01/18/2006
- Request for Immediate Examination filed on 01/18/2006
- U.S. Basic National Fees filed on 01/18/2006
- Priority Documents filed on 01/18/2006

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebs>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

LAMONT M HUNTER

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Telephone: (703) 308-9140 EXT 201



Application No. (if known): 10/565,262

Attorney Docket No.: 61612(71699)

## Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. EM006539751US in an envelope addressed to:

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on April 2, 2008  
Date

*Kathleen M Drury*

Signature

Kathleen Drury

Typed or printed name of person signing Certificate

Registration Number, if applicable

(617) 239-0100

Telephone Number

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Fee Transmittal (1 page)  
Declaration (4 pages)  
Assignment (5 pages) Recordation Form Cover Sheet (1 page)  
Part 2 Copy of Notice  
Response to Notice to File Missing Parts of Application (2 pages)  
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Charge \$105.00 to deposit account 04-1105